



Dan Skopec
Acting Secretary

California Regional Water Quality Control Board
North Coast Region
William R. Massey, Chairman

www.waterboards.ca.gov/northcoast
5550 Skylane Boulevard, Suite A, Santa Rosa, California 95403
Phone: (877) 721-9203 (toll free) • Office: (707) 576-2220 • FAX: (707) 523-0135



Arnold Schwarzenegger
Governor

May 19, 2006

Mr. Garrett Hinds
Trumark Companies
4185 Blackhawk Plaza Circle
Suite 200
Danville, CA 94506

Dear Mr. Hinds:

Subject: Notice of Coverage, Waiver of Waste Discharge Requirements for Minor Dredging and Fill Activities, Dutton Meadows Phase II, Minoia Project, Sonoma County

File: Dutton Meadows Phase II, Minoia Project (APNs 043-191-016, -024)
Sonoma County, WDID No. 1B06042WNSO

This letter provides notice that certain proposed activities are covered by the Waiver of Waste Discharge Requirements for Minor Dredging and Fill Activities (Waiver), which was adopted pursuant to California Water Code Section 13269 by the California Regional Water Quality Control Board, North Coast Region, (Regional Water Board) in Resolution 2002-0080.

On September 9, 2005, the Regional Water Board received an application and \$15,055.50 processing fee from Mr. Garrett Hinds, on behalf of Trumark Companies (Applicant), requesting Clean Water Act Section 401 Water Quality Certification and/or Waste Discharge Requirements (Dredge/Fill Projects) for a combination of five properties (Lechmanski, Peletz, Nelson, Minoia, and DM Associates, LLC) collectively referred to as the Dutton Meadows Project, located on 56.88 acres in Santa Rosa, Sonoma County. This Notice of Coverage under Waiver of Waste Discharge Requirements applies exclusively to the Dutton Meadows Phase II, Minoia Project, located at 1112 and 1200 Hearn Avenue (APNs 043-191-016, -024). Information describing the proposed project was noticed for public comment for a 21-day period on the Regional Water Board's website. No comments were received. The proposed project causes permanent impacts to isolated seasonal wetlands associated with Colgan Creek and the Russian River Hydrologic Unit No.114.00.

Project Description: The Dutton Meadows Phase II, Minoia Project (Project) is located in the southwestern section of Santa Rosa, Sonoma County, at southeast of the intersection of Hearn Avenue and Dutton Meadows Avenue (formerly Dutton Avenue), directly across from Meadow View Elementary School (1112 and 1200 Hearn Avenue, Santa Rosa 7.5 Quad, 38 24' 40.00" N; 122 43' 38.86"). The purpose of this project is to create a 6.4-acre residential development within the City of Santa Rosa's Approved Southwest Santa Rosa Area Plan.

The Project consists of the construction of 65 residential market-rate detached single-family homes with one existing home remaining on-site; resulting in a density of 10.3 units per acre with an average lot size of 2700 square feet. The units of the project will be accessed by common

California Environmental Protection Agency

driveways in the rear of the lots. The development of the project will be built and sold in phases based on market demand, which is expected to result in the project being fully constructed within a two- to four-year time period. Model homes and the first phases of production homes will be constructed in 2006.

The project includes two parcels, one of which will be developed into a common area for use by the homeowners of the subdivision and the other as a detention pond to treat storm water runoff from the developed site. The detention basin parcel will be encumbered by a Public Storm Drain and Hydraulic Maintenance Easement in favor of the City of Santa Rosa. General and landscape maintenance of both parcels, including the detention pond, will be the responsibility of the Home Owners Association that will be formed with the subdivision.

Pre-construction Best Management Practices (BMPs) have been incorporated into the final project plans in order to reduce and control soil erosion. In the event that construction activities take place during the wet season months of October 15th through June 15th, additional winterization BMPs will be implemented in order to stabilize all bare soils.

Post-construction storm water treatment controls have been incorporated into the project in order to decrease potential detrimental impacts associated with storm water runoff from the developed site. Source control BMPs are also incorporated into the project including: installation of open space areas, wide planter strips, drain inlet marking, native landscape materials, reducing irrigation needs, and promoting public awareness on the importance of storm water pollution prevention through educational brochures, signage, and creek stewardship programs.

Because the Project involves the permanent filling of 0.20 acres of isolated seasonal wetlands and the discharge of waste that may affect Waters of the State, the Regional Water Board has regulatory jurisdiction under Water Code Section 13260.

Receiving Water: Colgan Creek, Laguna Hydrologic Sub Area No. 114.21, Russian River Hydrologic Unit No. 114.00

Filled or
Excavated Area: Total Area Impacted: 0.20 acres of isolated seasonal wetlands
Area Temporarily Impacted (Restored): 0.00 acres
Area Permanently Impacted (Not Restored): 0.20 acres

Federal Permit: The United States Army Corps of Engineers, in a letter dated August 19, 2003, stated that "development of this parcel will not involve the discharge of fill materials into regulated waters of the United States" and that "the appropriate State of California, Regional Water Quality Control Board may still regulate your proposed activity because of impacts to a 'water of the State'." (File Number 26342N)

Compensatory Mitigation
Proposed for
Implementation

California Environmental Protection Agency

As Part of the Project:

Compensatory mitigation for permanent impacts to 0.2 acres of isolated seasonal wetlands, and for impacts to 6.4 acres of suitable habitat for federally listed plant species and California tiger salamander (*Ambystoma californiense*) (CTS), will be achieved in combination with the mitigation proposed for the entire Dutton Meadows Projects as outlined in *Wetland and Endangered Species Mitigation Plan Gobbi Preserve No. 2* dated November 30, 2004. Mitigation for the Dutton Meadows Projects included the creation of 1.66 acres and the restoration of 4.0 acres of wetland habitat for a final mitigation ratio of 1.25:1, in addition to the establishment of the 108.8-acre Gobbi Preserve No. 2. Construction of the wetlands and establishment of the preserve has already been approved and began in Fall 2005 (Gobbi Preserve No. 2 Mitigation Site Project, WDID No. 1B04163WNSO). The Preserve is located between Stony Point and Llano Roads, south of Todd Road, and just outside the limits of the City of Santa Rosa.

Non-compensatory Mitigation Proposed for Implementation as Part of the Project:

A Preliminary Storm Water Pollution Mitigation Plan for the Minoia Property (SWPMP) was developed on June 6, 2005, with maps updated in February 2006. According to the SWPMP, source control BMPs will be incorporated into the project including: installation of unconnected downspouts, open space areas, wide planter strips, drain inlet marking, native landscape materials, and promoting public awareness on the importance of storm water pollution prevention through educational brochures, signage, and creek stewardship programs. Submittal of a Storm Water Pollution Prevention Plan (SWPPP) to the Regional Water Board will be required prior to the commencement of construction activities.

In addition, to deal with the Regional Water Board's requirement to provide post-construction storm water treatment for the proposed project, the Applicant will install a detention basin as described in the SWPMP. The detention basin was designed according to calculations used to determine the size needed to treat the runoff from the 85th percentile storm event. Failure to implement the treatment plan as described in the above-referenced plan will be considered a violation of this Waiver of Waste Discharge Requirements, and is subject to Regional Water Board enforcement actions. No monitoring and reporting program will be required, as it is not in the public interest.

CEQA Compliance:

An Environmental Impact Report for Dutton Meadows Projects was adopted by the City of Santa Rosa on August 2, 2005 (SCH# 2002092016).

General Waiver of Waste Discharge Conditions:

The following is a partial listing highlighting selected standard provisions from Resolution 2002-0080:

1. "The Applicant shall comply with all applicable provisions of the Water Quality Control Plan for the North Coast Region."

California Environmental Protection Agency

2. "The Applicant shall discharge only in accordance with the submitted Report of Waste Discharge or equivalent (i.e., the Application)."
3. "The Project shall not create a pollution, contamination, or a nuisance, as defined by California Water Code Section 13050."
4. "There shall be no discharge of any waste not specifically regulated by waivers in Resolution 2002-0080."
5. "The Applicant shall allow Regional Water Board staff reasonable access onto the affected property for the purpose of performing an inspection to determine compliance with waiver conditions."

Additional Waiver
of Waste Discharge
Conditions:

The following from Resolution 2002-0080 apply specifically to dredge and fill activities.

"The Applicant shall comply with the following additional conditions:

1. Discharges shall be non-toxic, short-term, discharges to land.
2. The Project shall not result in a net loss of wetlands or beneficial uses.
3. This Notice of Coverage is valid only if operations are not being covered by General Waste Discharge Requirements."

Applicability of Waiver
of Waste Discharge
Requirements:

The proposed construction activity meets the eligibility criteria for the Waiver and, if constructed as described in the Application and in compliance with the above-listed conditions, the Project will adhere to applicable water quality standards. No monitoring and reporting program is required, as it is not in the public interest. Therefore, I have determined that the Project is covered by the Waiver.

Expiration:

This Notice of Coverage expires upon completion of the Project or on October 15, 2011, whichever occurs first.

Please be aware that a failure to implement the Project according to the Project Description, *Preliminary Storm Water Pollution Mitigation Plan* (June 6, 2005), *Wetland and Endangered Species Mitigation Plan Gobbi Preserve No. 2* (November 30, 2004), and other information submitted in the Application may result in the revocation of this Notice of Coverage and the initiation of formal enforcement proceedings as authorized by provisions of the California Water Code.

Enclosed is a copy of the Waiver Policy for Minor Dredging and Fill Activities. This Notice of Coverage includes monitoring and reporting requirements as specified in Resolution 2002-0080. Please notify John Short at (707) 576-2065 before Project construction begins so that we can answer any public inquiries about the work.

Sincerely,

Catherine E. Kuhlman
Executive Officer

051906_mmj_DuttonMeadowsPhase2_Minoia_WWDR.doc

Enclosure: Waiver Policy (Res. 2002-0080)

cc: Mr. Oscar Balaguer, SWRCB, 401 Program Manager, Clean Water Act Section 401
Certification and Wetlands Unit Program

Mr. Philip Shannin, U.S. Army Corps of Engineers, Regulatory Functions, 333 Market
Street, San Francisco, CA 94105

Mr. Liam Davis, Department of Fish and Game, Region 3, P.O. Box 47, Yountville, CA
94599

Mr. Vincent Griego, Sacramento Field Office, U.S. Fish and Wildlife Service, 2800
Cottage Way, Room 2605, Sacramento, CA 95815

Mr. Dick Butler, NOAA Fisheries, 777 Sonoma Avenue, Suite 325, Santa Rosa, CA
95404

City of Santa Rosa Department of Community Development, 100 Santa Rosa Ave., P.O.
Box 1678, Santa Rosa, CA 95402-1678

Mr. Kevin Doble, Sonoma County Permit and Resources and Management Department,
2550 Ventura Avenue, Santa Rosa, CA 95403

Mr. Jeff Olberding, Olberding Environmental, 3127 Vistamont Drive, Suite 100, San
Jose, CA 95118